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EXECUTIVE ORDER

ESTABLISHING GOVERNOR'S POLICY ON A DRUG-FREE WORK PLACE

WHEREAS, it is the responsibility of the State of Washington as a major employer of the state, to provide a safe and healthy work environment; and

WHEREAS, a motivated and healthy work force is the state's greatest asset; and

WHEREAS, it is essential that all employees who report to work be both mentally and physically able to perform their duties in a satisfactory manner; and

WHEREAS, the experience of Washington business and industry over the past century and a half have amply demonstrated the negative effects of alcohol and other drugs on the individual employee, his or her co-workers, and productivity itself; and

WHEREAS, the costs to employers associated with the abuse of alcohol and other drugs includes four times the likelihood of accidents; three times the average health care costs; and increased absenteeism and turnover costs;

NOW, THEREFORE, I, Booth Gardner, by virtue of the authority vested in me as the Governor of the State of Washington, do hereby declare that the following policy shall be the State policy for the establishment and maintenance of a drug-free work place.

The provisions of this policy are:

1. All state employees, regardless of employment status, shall comply with the policy regarding a Drug-Free Work Place.
2. All state employees who report to work must be in a condition fit to perform their duties, unimpaired due to the use of alcohol or other drugs.
3. The unlawful use, possession, delivery, dispensation, distribution, manufacture or sale of drugs in state vehicles, on agency premises, or on official business is prohibited. Documented evidence of illegal drug involvement will be given to law enforcement agencies.
4. The possession of alcohol by an employee is prohibited in state vehicles and on agency premises, except when:
 - a) the premises are used and considered exclusively as personal residences;

- b) the premises are used by the Liquor Control Board for purchase, distribution and sale pursuant to state law.
- 5. Employees representing the State at official functions should exercise prudence in consuming alcohol.
- 6. Employees taking physician-prescribed or over-the-counter medications, if there is a substantial likelihood that such medication will affect job safety, must notify their supervisor or other designated official of the fact that they are taking a medication and the side effects of the medication.
- 7. Any state employee found in violation of this policy will be subject to formal action, up to and including dismissal. Except in cases of drug delivery or sale, an employee may be offered the services of the Employee Advisory Service (EAS).
- 8. State agencies are to comply with the Federal Drug-Free Work Place Act of 1988. State agency heads are responsible for developing and implementing procedures for a Drug-Free Work Place. Attached is a suggested Model Drug-Free Work Place program for state agencies. Please consider and, where appropriate, utilize the suggested model program.
- 9. All statutory, regulatory and collective bargaining requirements will be observed by an agency in complying with this policy. Agencies which have bargained specific provisions on this subject shall continue to honor the existing provisions. However, should such negotiated provisions conflict or fail to meet the standards set forth in this policy, the agency shall work towards negotiating necessary changes in order to comply with this policy. All agencies are encouraged to work with their employees and their certified representative to best effect the implementation of the procedures for a Drug-Free Work Place.

Copies of this policy should be distributed to all employees in a manner consistent with existing agency practice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 23rd day of April, A.D., nineteen hundred and ninety-two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

Booth Gardner
Governor

EO 92-02
June 2, 1992

EXECUTIVE ORDER

ESTABLISHING A LIMITED ROLE FOR THE OFFICE OF
SUPPORT ENFORCEMENT AS A "CRIMINAL JUSTICE AGENCY"

WHEREAS, the Office of Support Enforcement, within the Department of Social and Health Services, is responsible for the establishment and collection of child support in the State of Washington; and

WHEREAS, the willful failure to pay child support is a criminal offense under the laws of the State of Washington; and

WHEREAS, the Office of Support Enforcement is the designated conduit for persons seeking information from the Federal Parent Locator Service in cases involving Parental Kidnapping; and

WHEREAS, interstate vehicle registration, driver's licensing information, and Department of Corrections files are important tools for skip tracing absent parents; and

WHEREAS, this information is only available through the use of Criminal Justice Information System access to which has recently become restricted to Criminal Justice Agencies;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby designate the Office of Support Enforcement as a Criminal Justice Agency for the purpose of providing reasonable access to interstate vehicle registration, driver's licensing information, and Department of Corrections files in order to locate absent parents and collect child support by all lawful means.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 2nd day of June, A.D., nineteen hundred and ninety-two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

Booth Gardner
Governor

EO 92-03
June 2, 1992

EXECUTIVE ORDER

RESCINDING EXECUTIVE ORDER 83-17

On the 7th day of November, 1983, Governor Spellman issued Executive Order 83-17 establishing the Washington Intergovernmental Review Process pursuant to Federal Executive Order 12372.

The Washington Intergovernmental Review Process established by Executive Order 83-17 was to advise interested parties of potential federal funding applications. In exchange for states having such a process, the federal government agreed to accommodate or explain to applicants why their projects did not receive funding.

As part of the 1992 Supplemental Budget, it is necessary to eliminate the Washington Intergovernmental Review Process. The program has been scaled back several times in recent years, and recent correspondence with recipients indicated little opposition to eliminating the program altogether. Several other states, including Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, Oregon, Pennsylvania and Virginia have also recently discontinued their versions of the program in response to fiscal constraints.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby rescind Executive Order 83-17.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 2nd day of June, A.D., nineteen hundred and ninety-two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

EXECUTIVE ORDER

STANDARDS OF ETHICAL CONDUCT FOR
EXECUTIVE BRANCH EMPLOYEES

I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, direct that the following policies, standards, and guidelines be followed as a base of professional conduct for all state agencies and their employees.

This executive order supersedes Executive Order 80-16, which is hereby rescinded.

POLICY

Employees of the executive branch are entrusted with the operation of state government by the citizens of this state. They are, therefore, obligated to treat their offices as a public trust, using their official powers, duties, and resources only to advance the public interest. This obligation requires that employees be independent and impartial in the exercise of their duties; that the public's business be conducted through open and established processes that guarantee accountability to the public; that public office or employment be used only for public purposes and not for personal gain; that employees avoid actions that create even the appearance of using their positions for personal gain or to benefit any other private interest; and that the professional conduct of employees should strengthen public confidence in the integrity of state government.

PURPOSE

It is recognized that state agencies and their employees are dedicated to providing quality public service in accordance with high ethical and professional standards. It is also recognized that citizens of this state expect and deserve state agencies and employees that are committed to preserving and protecting the public trust.

Therefore, the purpose of this executive order is:

1. To establish standards and guidelines for ethical conduct and principles of public service for employees that protect the integrity of the government of the state of Washington.
2. To provide employees with information and guidance regarding ethical conduct.
3. To ensure that agency heads establish standards of ethical conduct for their employees to protect against actual and potential conflicts of interest that may apply to their agencies.

AUTHORITY AND DEFINITIONS

This executive order is adopted pursuant to authority granted to the Governor by Chapter 42.18 RCW, the "Executive Conflict of Interest Act." Employees should not rely solely on this executive order for detailed guidance regarding ethical conduct and conflict of interest. Employees should always review the appropriate state or federal law and any agency standards, rules, and regulations that may relate to a specific activity or question regarding ethical conduct. Nothing in this executive order, including the language paraphrasing statutory provisions, is intended to alter the provisions of Chapter 42.18 RCW or other applicable statutes.

Terms used in this executive order that are defined in Chapter 42.18 RCW shall have the same meanings in this executive order as in Chapter 42.18 RCW. "Executive branch employee" or "employee" means "agency head" as defined in RCW 42.18.040 and "state employee" as defined in RCW 42.18.130.

REQUIREMENTS, STANDARDS, AND GUIDELINES FOR ETHICAL CONDUCT

1. Gifts, gratuities, and favors. RCW 42.18.200 prohibits the employee from receiving or soliciting, directly or indirectly, anything of economic value as a gift, gratuity, or favor if the employee has reason to believe that the donor would not give it except for the employee's position with the state, or if the employee has reason to believe that the donor:
 - a. Has or is seeking a contractual or business relationship with the employee's agency;
 - b. Conducts activities that are regulated by the employee's agency; or
 - c. Has interests that may be substantially affected by the employee's performance or nonperformance of official duties.

RCW 42.18.230(2) prohibits anyone from giving, directly or indirectly, anything of economic value as a gift, gratuity, or favor to an employee if any of the above circumstances exist.

RCW 42.17.2415 requires elected officials and executive state officers who are required to file statements of financial affairs with the Public Disclosure Commission to also file a statement identifying each gift valued above specific dollar amounts that was received by the officials or officers or their immediate families.

Guidelines. The employee should reject gifts to himself or herself or to his or her family members that may cast doubt on the integrity, independence, and impartiality of the employee or state office. Gifts or benefits, no matter how insignificant, should be rejected if they could be reasonably construed to affect the official judgment or actions of the employee, create any sense of obligation to the giver, or if the purpose or motive for the gift could appear to be improper. Even monetarily insignificant gifts or favors may become significant if they are given with some frequency or come to be expected by the recipient.

In evaluating the propriety of gifts, the employee should, therefore, be sensitive to the source and value of the gift, the frequency of gifts from one source, the possible motives of the giver, and the perception of others regarding the gift. Since no offsetting public good is achieved by accepting gifts that may create an appearance of impropriety, unclear or questionable situations should always be decided by rejecting gifts, gratuities, or favors that may raise questions regarding the employee's integrity, independence, and impartiality.

The following types of gifts, gratuities, and favors are exceptions to the prohibitions contained in RCW 42.18.200. They may be accepted by the employee in situations where the circumstances do not lead to the inference that the official judgment or action of the employee was intended to be influenced.

- a. Unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of nominal value may be accepted.
- b. Gifts, gratuities, and favors may be accepted when they stem from family relationships (such as those between parents, children, or spouse of the employee and the employee) or personal relationships that are unrelated to the employee's official duties when the circumstances make it clear that those relationships, rather than the business of the giver, are the motivating factors.
- c. Food and refreshment of nominal value may be accepted on infrequent occasions in the ordinary course of a breakfast, lunch, or dinner meeting or reception where the attendance of the employee is a part of the employee's official duties.
- d. With the approval of the agency head, bona fide reimbursement for travel expenses and other necessary subsistence may be accepted when the travel is related to the official duties of the employee and for which no state payment or reimbursement is made. Examples include, but are not limited to, reimbursement by other governmental entities or professional associations. Reimbursement should not exceed the amount the employee would be eligible to receive if the state were reimbursing the employee. The employee should reject payment for personal living expenses, entertainment, and travel costs in any case where acceptance may raise questions regarding the employee's integrity. The employee should, therefore, avoid situations where such expenses are paid for by any person or organization that has a substantial interest in the official duties of the employee and where acceptance might create a reasonable perception that the object of the payment is to provide a personal vacation or other benefit for the employee.
- e. Loans from banks and other financial institutions may be accepted on customary terms to finance the proper and usual activities of the employee, such as the purchase of housing or motor vehicles. Business discounts that are made available to employees as a group may be accepted. Loans and other transactions on terms and conditions not generally available to the public or other employees are prohibited gifts and should be rejected.

- f. The employee may accept unsolicited gifts of nominal value from foreign or domestic dignitaries or commemorating official occasions, where custom or etiquette so requires. Any gifts of more than nominal value received under such circumstances shall be reported to the employee's agency head, who shall direct the appropriate disposition of them.
2. Outside employment and compensation. RCW 42.18.190 prohibits the employee from engaging in outside employment and receiving compensation for his or her services from sources other than the state of Washington if: (a) the services are not actually performed by the employee; (b) the services are within the course of the employee's official duties; (c) the services involve transactions with the state that the employee may not assist in because they relate to the employee's official state duties (see RCW 42.18.170); or (d) the employee has reason to believe that the outside employment involves a person who:
 - (1) Has or is seeking to obtain a contractual or other business relationship with the employee's agency;
 - (2) Conducts operations or activities that are regulated by the employee's agency; or
 - (3) Has interests that may be substantially affected by the employee's performance or nonperformance of official duty.

RCW 42.18.213 prohibits the employee from asking for or receiving, directly or indirectly, any compensation, gratuity, or reward, or promise of such benefit, other than the employee's normal compensation, for performing or not performing an official duty.

RCW 42.18.215 prohibits an employee from having a direct or indirect interest in any contract, sale, lease, or purchase over which the employee has any supervision. The employee is also prohibited from accepting, directly or indirectly, any compensation, gratuity, or reward from another person who has an interest in such a contract, sale, lease, or purchase.

Guidelines. Whether a given type of outside employment is allowable depends upon the specific duties of the employee and the actual or potential relationship between the outside employer and the employee's agency. Under no circumstances may an employee use his or her agency's personnel, time, material, facilities, equipment, telephones, information, or other resources in connection with outside employment. Nor may the employee use his or her official position to influence any client of his or her agency to secure compensated services from the employee or the employee's outside employer. The employee may not engage in outside employment if the demands of such employment would detract from his or her ability to perform state duties in a satisfactory manner. The employees should not accept honoraria for services when the services are ordinarily performed in the course of his or her official duties.

Agency heads shall provide specific policies, standards, and procedures to ensure that outside employment does not conflict with the proper performance of assigned duties nor is

inconsistent with Chapter 42.18 RCW and this executive order. Agency policies, standards, and procedures may be more restrictive than provisions of this executive order. Such policies, standards, and procedures may require the employee to notify his or her agency and receive prior approval from the agency head before engaging in outside employment. Agency heads shall examine positions within their agencies to determine if such notification and prior approval of outside employment should be required. The employee should be aware that approval of outside employment is required under the circumstances set forth in RCW 42.18.190(1)(d).

The following types of outside compensation are exceptions to the prohibitions contained in RCW 42.18.190:

- a. The employee may receive compensation from another governmental entity pursuant to RCW 42.18.190(2).
 - b. The employee may continue in a bona fide pension, retirement, group life, health or accident, or other employee benefit plan maintained by a former employer if the former employer makes no contributions on behalf of the employee during the employee's state employment. However, the employee may continue in such plans and receive contributions on his or her behalf from former employers under the following conditions: (1) If the plan qualifies under the Internal Revenue Code; (2) if contributions by the former employer to a plan are not made for periods longer than five consecutive years of state employment or an aggregate of five years out of the preceding ten; or (3) if the plan is provided by a former employer who is a governmental entity.
 - c. The employee may maintain his or her rights acquired under a bona fide profit-sharing or stock bonus plan maintained by a former employer and qualified under the Internal Revenue Code if no employer contributions are made on behalf of the employee based on profits attributable to any portions of the period of state employment.
3. Use of official authority for personal gain. RCW 42.18.210 prohibits an executive branch employee from using the power and authority of his or her office to induce or coerce another person to provide the employee with any thing of economic value, directly or indirectly.
 4. Use of state resources for personal benefit. RCW 42.18.217 prohibits the employee from using state personnel, money, or property for private benefit of the employee or another.

Guidelines. State property, equipment, personnel, money, services, or time are for public purposes only and shall not be appropriated for personal or private use. This prohibition includes use of office space, typewriters, computers and related supplies and systems, paper, pens and pencils, telephones, postage, stationery, photocopying, vehicles, and other state resources.

Managers and supervisors should not require or suggest that an employee under their supervision perform personal tasks for them. Not only is such use of state personnel improper, but it also demeans the importance of the employee's official duties.

5. Assisting in transactions involving the state. RCW 42.18.170 prohibits an employee from assisting another person, whether or not for compensation, in any transaction in which the employee has participated or in any transaction which is, or has been, under the employee's supervision unless the assistance is provided in the course of the employee's official duties. Transactions include any proceeding, application, submission, request for a ruling, or other determination, contract, claim, case, or other matter in which the state has a substantial proprietary interest, which will be subject to state action, or in which the state is or will be a party.

Under RCW 42.18.180, certain transactions are exempted from this prohibition, including those transactions (a) when the employee is acting as a guardian, executor, administrator, trustee, or personal fiduciary (with certain specified limitations) for family members and others, (b) when the employee is assisting another employee involved in disciplinary or other personnel proceedings, or (c) when the employee is giving testimony under oath.

6. Employment restrictions for former employees. RCW 42.18.221 prohibits a former executive branch employee from:
 - a. Assisting another person in a transaction involving the state in which the employee participated during employment with the state. Exceptions to this prohibition are provided in RCW 42.18.221(6).
 - b. Sharing compensation received by another person for assisting that person in rendering services that the employee is prohibited from providing.
 - c. Within one year of the employee's termination date, accepting employment or receiving compensation from a private business if during the previous two years, on behalf of the state agency, the employee negotiated, administered, or had discretionary decision making influence over contracts with that business worth more than \$10,000; and the former employee's duties with the private business involve fulfilling or implementing the contracts.
 - d. Accepting an employment offer or receiving compensation from a private business if the employee knows or believes the offer or compensation is intended as a reward for performance or nonperformance of a state duty.

These prohibitions do not apply if a former employee works for an employee organization.

Guidelines. These prohibitions are only a summary of RCW 42.18.221. To avoid conflicts of interest, the current employee who contemplates doing business with the state after he or

she leaves state employment and former employees who wish to engage in such business activity should thoroughly review RCW 42.18.221 and related statutes and seek legal advice.

7. Use of public office for political purposes. RCW 42.17.130 prohibits an executive branch employee from using state agency property and personnel to support the election of any individual or for the promotion or opposition of any ballot proposition. Exceptions are allowed for elected legislative bodies to express a collective position on a ballot proposition, statements by elected officials in support or opposition to ballot propositions at an open press conference, and activities that are part of the "normal and regular conduct" of the office or agency.

RCW 42.17.190 prohibits an executive branch employee from using any state facilities, directly or indirectly, to support or oppose an initiative to the legislature.

RCW 41.06.250 protects an employee from being forced to make contributions for partisan, political purposes. Also, solicitation of contributions for partisan, political purposes on state property is forbidden.

Guidelines. State offices, equipment, personnel, and other resources are to be used only for official public purposes. Use of such resources for political purposes or to influence the outcome of a ballot election is not only illegal, but also may create an unfair advantage in the election process and is a misuse of public funds. This prohibition applies to political party activities, campaigning, distribution and display of campaign material, and fund raising.

While state resources and personnel may not be used to influence an election, the employee, on his or her own time, has specific rights to engage in partisan political activities and election campaigns. Exceptions include: (a) the classified civil service employee, who may not hold part-time public office in a political subdivision of the state if such office is "incompatible with, or substantially interferes with," the discharge of official state duties; and (b) the employee whose position is financed totally or primarily by federal grant-in-aid funds is subject to federal regulations regarding political activity. (See RCW 41.06.250)

PRINCIPLES OF PUBLIC SERVICE

1. Duty to support open government. To ensure public confidence in the integrity of state government, the employee must conduct the public's business in an open manner and through legally established processes that guarantee accountability and visibility. This entails an understanding of and a strict adherence to both the spirit and the letter of laws relating to the Administrative Procedure Act (Chapter 34.05 RCW), open public records (RCW 42.17.250 - 340), the Open Public Meetings Act (Chapter 42.30 RCW), the reporting of public officials' financial affairs (RCW 42.17.240 - 243), employee whistleblower protections (Chapter 42.40 RCW), and merit system employment (Chapters 41.06 and 28B.16 RCW).
2. Avoidance and disclosure of conflicts and withdrawal in certain cases. The employee may at times face unavoidable conflicts of interest between public duties and private interests. In

these situations, the employee is responsible for protecting the integrity of the decision making process. In some cases, that may mean disclosing the conflict and, if necessary, voluntarily withdrawing from the decision. In other cases, the situation may require the employee to eliminate the interest that creates the conflict.

At times, an employee's relationship with, or position within, a private organization may be perceived as affecting the employee's independence and impartiality on the job. The employee should, therefore, examine such relationships and avoid those that involve organizations whose interests relate directly to the employee's official duties.

3. Creating an environment of public trust. All employees, and particularly agency heads and managers, should contribute to an ethical work place environment. This involves (a) working toward elimination of all forms of illegal discrimination in employment practices, including discrimination based on age, sex, marital status, race, creed, color, national origin, sexual orientation, or the presence of any sensory, mental or physical handicap (RCW 49.60.180 and E.O. 91-06); (b) creating a work environment free from sexual harassment (EO 89-01); and (c) informing employees of their rights under the state's whistleblower law and encouraging employees to disclose instances of waste, mismanagement, fraud, and abuse of public authority (Chapter 42.40 RCW).
4. Adherence to public agency lobbying restrictions. An executive branch employee is granted specific authority to engage in certain kinds of lobbying. RCW 42.17.190(3) restricts publicly funded lobbying to providing information, communicating on matters pertaining to official agency business, and advocating the official position or interests of the agency. The employee must report certain expenditures and time dedicated to lobbying the legislature to the Public Disclosure Commission. No public funds may be spent as a direct or indirect gift or campaign contribution to an elected official, officer, or employee. An executive branch employee who lobbies is treated differently than other lobbyists under the law. As such, he or she is held to higher standards of conduct in dealings with the legislature. It is, therefore, the duty of the employee who lobbies to know what is permissible. Certain behavior that may be acceptable for private sector lobbyists may be neither appropriate nor legal for an executive branch employee.

RESPONSIBILITIES OF AGENCY HEADS

1. Each agency head shall:
 - a. Establish written standards for conflicts of interest that address any special responsibilities and conditions of employment that may apply to their agencies. Agency standards may provide for additional restrictions that are appropriate for the duties of the individual agency, including, but not limited to, disclosure of potential conflicts of interest. Copies of such standards and any revisions thereto shall be filed with the Office of the Governor. (See RCW 42.18.250)

- b. Establish internal procedures so that (1) an employee may obtain advice regarding potential conflict of interest issues, and (2) complaints relating to violations of the Executive Conflict of Interest Act are reviewed, investigated, and acted upon. The procedures shall specify to whom requests for advice and complaints shall be submitted.
 - c. Take appropriate steps to inform their employees of the contents of this executive order and related statutes, standards of ethical conduct for their agency, and appropriate internal procedures. Agency managers are encouraged to discuss these standards with their employees.
- 2. Each agency head shall be responsible for the administration and enforcement within their agency of the Executive Conflict of Interest Act and any standards of ethical conduct adopted pursuant to that act or this executive order.

RESPONSIBILITIES OF THE GOVERNOR'S OFFICE

- 1. The Office of the Governor has the following responsibilities:
 - a. Establish appropriate standards to protect against actual or potential conflicts of interest on the part of state employees. In carrying out this responsibility, the Office of the Governor shall periodically review this executive order and the standards of ethical conduct adopted by state agencies and make recommendations for changes that would strengthen the integrity of state government.
 - b. Maintain and make available on request opinions and rulings relating to questions and issues regarding conflicts of interest, including Attorney General opinions, letter opinions, advisory opinions issued by agency directors and the Office of the Governor, and other formal, authoritative opinions and rulings on conflict of interest questions.
 - c. Maintain a file of agency standards for conflicts of interest submitted by agency heads.
- 2. In those instances where a potential conflict of interest question cannot be resolved by an agency head, the Governor may use his authority to designate a panel of experts to review questions of potential conflict of interest under Chapter 42.18 RCW submitted by agency heads. Such panels may include representation from the Office of the Attorney General and the Office of the State Auditor. Agency heads should, however, make every effort to respond to and resolve conflict of interest questions relating to their employees at the agency level. Opinions issued by such panels shall be advisory and deal only with hypothetical situations. The responsibility for appropriate ethical conduct rests with the employee.
- 3. As provided in RCW 42.18.240, the Governor has specific responsibility to enforce the Executive Conflict of Interest law as it applies to agency heads and employees of the Office of the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 21st day of July, A.D., nineteen hundred and ninety two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

EXECUTIVE ORDER

GOVERNOR'S ADVISORY COMMITTEE ON ELEMENTARY
AND SECONDARY EDUCATION IMPROVEMENT

On August 13, 1988, President Bush signed into law the Elementary and Secondary Education Improvement Amendments. Chapter 2 of the Amendments provides targeted assistance to the state education agency and local school districts, effective October 1, 1988.

Pursuant to Chapter 2, the governor of each state is required to establish an advisory committee to advise the state education agency on several matters: (1) priorities for use of funds allocated to the state, including the percentage, not to exceed twenty percent, to be set aside for such use; (2) formulae for distribution of allocated funds, not less than eighty percent, to local school districts; and (3) planning, developing, implementing, supporting, and evaluating state programs financed from the funds set aside for use by the state education agency.

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby order that:

I. An advisory committee be established, to be known as the Governor's Advisory Committee on Elementary and Secondary Education Improvement.

II. The function of the Committee shall be to advise the Office of the Superintendent of Public Instruction on all matters within the purview of the Committee as outlined by Chapter 2 of the Elementary and Secondary Education Improvement Amendments, and to provide such additional advice as it deems appropriate to the Office of the Superintendent and the Governor with respect to the effective use of these federal funds, appropriated for elementary and secondary educational purposes.

III. The Committee shall be composed of not more than fifteen persons appointed by the Governor for three-year terms, except that the terms of those now appointed to the Governor's Advisory Committee on Education Program Consolidation shall continue as appointed. The members shall be representative of one or more of the following interests:

- A. Public and private elementary and secondary school children;
- B. Classroom teachers;
- C. Parents of elementary and secondary school children;
- D. Local boards of education;
- E. Local and regional school administrators, including principals, superintendents, and administrators of intermediate educational units;
- F. Institutions of higher education;

- G. The State Legislature;
- H. Elementary and secondary school librarians;
- I. School counselors and other pupil services personnel; and
- J. Ethnic and racial groups in the state.

IV. The group will elect a chairperson to serve for a term of one year and such other officers as may be needed.

V. Members of the Committee shall serve without salary, but shall be reimbursed for travel, lodging, and meals in accordance with state law and regulation. Such reimbursement and appropriate staff support will be provided by the Office of the Superintendent of Public Instruction, which will use Federal funds wherever possible.

VI. The Committee shall serve until dissolved upon termination or repeal of Section 1522, Chapter 2, of the Elementary and Secondary Education Improvement Amendments, or by independent action of the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 31st day of July, A.D., nineteen hundred and ninety two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

EXECUTIVE ORDER

ESTABLISHING THE FOOD PROCESSING INDUSTRY DEVELOPMENT COUNCIL
TO FOSTER THE GROWTH AND DEVELOPMENT OF THE WASHINGTON
FOOD PROCESSING INDUSTRY

WHEREAS, value-added food processing is an economic pillar of the State of Washington and in 1991 became the state's second largest manufacturing industry -- employing 38,000 workers and providing \$873 million in wages, \$6.16 billion in gross business income and \$20.67 million in Business and Occupational Tax; and

WHEREAS, over 80 percent of food products produced and processed in the State of Washington are sold in national and international markets, thereby generating new money for the state; and

WHEREAS, the Washington State Legislature in 1987 (Section 314 of Chapter 7, 1st Extraordinary Session) and 1989 (RCW 43.31.430) requested and received reports from the Department of Trade and Economic Development outlining strategies for retention and development of food processing as one of eight key targeted industry sectors; and

WHEREAS, processing crops, unlike other manufactured components, are usually seasonal and perishable and require expedited handling and an informed regulatory climate to avoid loss due to spoilage, disease or decay; and

WHEREAS, food processing companies of all sizes are heavily impacted by federal, state and local legislative and regulatory actions (sometimes conflicting) which affect the cost and therefore the competitive position of the industry; and

WHEREAS, improving the competitive positions of existing Washington food processing companies is the most certain way to retain and expand the food processing industry; and

WHEREAS, the State of Washington stands to benefit economically and can enhance the quality of life of its residents by expanding the value-added component of agricultural products through implementation of AG-2000 (the long-range strategic plan for the state's agribusiness industry, developed in cooperation with the Washington Department of Agriculture); and this expansion can result in new jobs, increased income, more profitability for businesses and expanded revenue for the state; and

WHEREAS, expansion of the food processing industry, including attracting new firms, will benefit both rural and urban areas and the thousands of individuals, organizations and businesses that supply

the state's food processing industry with raw products, labor, supplies, equipment, resources and services;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me, do hereby formally establish the Food Processing Industry Development Council with the purpose of strengthening the food processing industry. In carrying out this purpose, the Council is encouraged to work with the legislature and state agencies to seek ways to accomplish the following:

- I. Establish a business climate that encourages production of the numerous crop and livestock commodities used as inputs to the food processing industry.
- II. Encourage retention and development of existing food processing firms.
- III. Provide incentives to expand existing businesses, attract new firms and encourage use of new processes.
- IV. Identify impediments to industry growth and generate voluntary actions by the industry that will enhance the quality of life of our state's citizens.
- V. Evaluate the competitive position of Washington's food processing industry, including the impact of current and proposed regulations and taxes, relative to other states and nations, in order to prevent non-competitive increases in the cost of food production and marketing.
- VI. Avoid laws and regulations that restrict interstate trade and that may be in conflict with federal food safety requirements.
- VII. Monitor the economic performances of the value-added food processing industry to identify the most promising areas and market for expansion, as well as to provide advance warning of declines in the existing industry.
- VIII. Recognize that unique considerations may be necessary for firms that process seasonal and perishable raw food products.
- IX. Assure the continued availability of land, water and energy to support growth and development of agribusiness in the state.
- X. Encourage the development of the physical and economic infrastructure (including water, waste treatment facilities, transportation, trained labor, technology and education) necessary to support a viable food processing industry.
- XI. Encourage development of new value-added technologies for existing and new agricultural crops, varieties and products.

The Council shall consist of the 30 members of the ad hoc committee appointed by the Governor in 1989 or thereafter, pursuant to AG-2000. Should a vacancy occur on the Council after August 1, 1992, the Governor shall determine whether a replacement is needed and, if so, appoint a replacement to assure a balanced representation of the food processing industry, associate industry trade organizations, local economic development organizations, support industries, research institutions, and state government.

- The membership shall consist of 25 or less members who are managing owners, officers or top management representatives of food processing and related industry sectors as follows:
 - . Up to 17 members from direct food processing and/or related production support industries;
 - . Up to three (3) members from associated industry trade organizations;
 - . Up to three (3) members from related finance, legal, technology, and transportation sectors; and
 - . Up to two (2) members representing local economic development organizations.
- Five (5) of the members shall represent state agencies and shall be ex-officio, non-voting members. Those agencies are: The Washington State Departments of Agriculture, Trade and Economic Development, Community Development, Ecology, and Labor and Industries.
- Council members shall serve without compensation.
- The Governor shall appoint the chair who will serve a one-year term. The Council shall elect a vice chair who will service a one-year term.
- Meetings shall be held four times per year or as determined by the chair.
- Staff support shall be collectively provided by Washington State Department of Agriculture (Market Development Division), and Washington State Department of Trade and Economic Development (Targeted Sector Program). Additional staff input will be provided by the Business Assistance Center, IMPACT Center at Washington State University, and other state agencies as needed.
- The council and its responsibilities shall be terminated on June 30, 1995.

This Executive Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 15th day of September, A.D., nineteen hundred and ninety-two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

EXECUTIVE ORDER

ESTABLISHING THE OFFICE OF CRIME VICTIMS ADVOCACY

As a result of the Community Protection Act of 1990 and Executive Order 90-03, the Office of Crime Victims Advocacy was established and placed in the Department of Community Development.

Since February, 1990, the Office of Crime Victims Advocacy has advocated for crime victims, administered sexual assault treatment and prevention grants, solicited suggestions on state practices, policies, and priorities that would help communities treat victims of sex offenders, and reviewed the organization of crime victims services in state and local government. The Office has also made recommendations to the Governor and other policy makers on future crime victims' programs and their organizational location. The Executive Order establishing the office terminated on July 1, 1991. There is a continuing need for the services provided by the Office.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby order that the Office of Crime Victims' Advocacy in the Department of Community Development continue to exist and continue to carry out its responsibilities as follows:

- A. Administer grant programs for sexual assault treatment and prevention services, as authorized by RCW 43.280;
- B. Assist communities in planning and implementing services for crime victims;
- C. Advocate on behalf of crime victims in obtaining needed services and resources; and
- D. Advise local and state governments on practices, policies and priorities which impact crime victims.

This Executive Order is effective immediately and shall continue until terminated or superseded [superseded].

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 15th day of September, A.D., nineteen hundred and ninety two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

EXECUTIVE ORDER

ESTABLISHING THE GOVERNOR'S COUNCIL
ON PHYSICAL FITNESS AND AMATEUR SPORTS

WHEREAS, it is in the state's interest to enhance the lives of its citizens by encouraging them to live healthy lifestyles; and

WHEREAS, the citizens of the state should have the opportunity to be informed about and participate in activities that result in physical fitness, healthy lifestyles, and an improved quality of life; and

WHEREAS, while there are many successful existing public and private efforts promoting physical fitness and amateur sports, there is a need for a single statewide organization to promote and support these and other activities relating to physical fitness and amateur sports;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby establish the Washington Governor's Council on Physical Fitness and Amateur Sports.

1. Council Membership

The Council shall consist of not more than 25 members who shall represent education programs, physical fitness programs, wellness programs, private business, athletics, state and local government, and citizens with an interest in health, physical fitness, or amateur sports.

Council members shall be appointed to three-year, staggered terms. Members shall be eligible to serve two full terms. Vacancies shall be filled for the remainder of the unexpired term. The Governor shall designate the chairperson, who shall serve at the Governor's pleasure.

2. Duties

The Council, within available resources, shall:

- A. Support, promote, sponsor, and coordinate activities that promote physical fitness and physical education among the citizens of the state of Washington;
- B. Support and promote the Washington State Games;
- C. Recognize outstanding programs, developments, achievements, and contributions in physical fitness and related areas; and

- D. Advise the Governor and state agencies on issues relating to physical fitness and amateur sports.

The Council may seek the advice of others with special interests or expertise in health, physical fitness, or amateur sports. The Council may work with non-profit foundations and other organizations to further the purposes of this Executive Order.

The Council shall be an officially recognized body whose primary aim is, through private resources, to further the duties of this Executive Order. The Council shall have the authority to receive and use gifts, grants, and endowments from public and private sources.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 19th day of October, A.D., nineteen hundred and ninety-two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

Booth Gardner
Governor

EO 92-09
October 26, 1992

EXECUTIVE ORDER

CERTIFICATION OF AREAS OF HIGH UNEMPLOYMENT AS
PRESCRIBED BY THE IMMIGRATION ACT OF 1990

The Immigration Act of 1990 (Public Law 101-649, 104 Stat. 4978) authorizes an "employment creation" visa to encourage investment by alien entrepreneurs in targeted employment areas. The Act also requires the state government to designate a government entity to certify that areas qualify as high-unemployment areas.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, and in accordance with the charge to state government contained in the Immigration Act of 1990, do hereby designate the Employment Security Department as the state agency responsible for certifying that geographic or political subdivisions of a non-rural area within the state qualify as areas of high unemployment as prescribed by the Immigration Act of 1990.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 26th day of October, A.D., nineteen hundred and ninety-two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

EXECUTIVE ORDER

ESTABLISHING THE STATE INTERAGENCY COORDINATING COUNCIL
FOR INFANTS AND TODDLERS WITH DISABILITIES AND THEIR FAMILIES

This Executive Order implements the authority granted to the Governor by Substitute Senate Bill 6428 (Chapter 198, Section 15 and Section 17, Laws of Washington, 1992), the Individuals with Disabilities Education Act (IDEA) (Public Law 102-119, Part H), and requirements for states participating with the Office of Special Education Part H grants (34 CFR, Part 303). The purpose of those acts and regulations is to move toward a collaborative and comprehensive statewide system of early intervention services for infants and toddlers with disabilities and their families. To do so, it is desirable to establish a council to advise and assist the Department of Social and Health Services and the other participating state agencies on a broad range of policy and coordination issues.

NOW, THEREFORE, I, Booth Gardner, do hereby establish the Washington State Interagency Coordinating Council for Infants and Toddlers with Disabilities and Their Families.

1. Council Formation and Membership:

The Council shall comprise at least 15 members but not more than 25 members, of which a majority of the voting appointees shall constitute a quorum. Members of the Council shall be appointed by the Governor, and the Governor shall designate the chairperson of the Council. State executive and legislative appointees shall be ex-officio, non-voting members and shall not be designated as chairperson or hold other Council office. Terms of membership shall be three years, with the exception that initial appointments shall be staggered in order to assure continuity of the Council: one-third shall be appointed for one-year terms, one-third shall be appointed for two-year terms, and one-third shall be appointed for three-year terms. Members may be appointed for two consecutive terms. If a member resigns before completing a term, a new member may be appointed to serve out the remainder of that term.

To achieve a balanced membership on the Council, appointments shall be made with consideration given to geographic representation, gender, and ethnic and cultural diversity.

Membership of the Council shall be as follows:

- A. At least twenty percent of the members shall be parents of infants, toddlers, or children aged twelve or under with disabilities. These members shall have knowledge of or experience with programs for infants, toddlers, and children with disabilities. At least one of these members shall be a parent of an infant, toddler, or child with a disability aged six or younger.

- B. At least twenty percent of the members shall be public or private providers of early intervention services.
- C. At least one member shall be involved in training personnel who provide early intervention services.
- D. The Washington State Departments of Community Development, Health, Social and Health Services, and Services for the Blind, the Office of the Superintendent of Public Instruction, and the Office of the Insurance Commissioner shall each be represented by at least one non-voting member.
- E. At least one non-voting member shall be from the State Legislature.
- F. Other members may include representatives from other appropriate areas such as the Bureau of Indian Affairs, Indian Health Services or Tribal Councils.

2. Role of the Council:

- A. The Council shall advise and assist the Department of Social and Health Services (DSHS) and the other participating state agencies in coordinating, developing and implementing policies that constitute the statewide system of early intervention services, including:
 - 1. Identifying sources of fiscal and other support for services for the early intervention programs;
 - 2. Assigning financial responsibilities to the appropriate agency;
 - 3. Promoting interagency agreements; and
 - 4. Providing appropriate services for children aged birth through five.
- B. The Council shall assist DSHS and the other participating state agencies in coordinating, developing and implementing the statewide system of early intervention services by establishing a process that includes:
 - 1. Seeking information from service providers, service coordinators, parents, and others about any federal, state, or local policies that impede timely service delivery;
 - 2. Taking steps to ensure that any policy problems are resolved; and
 - 3. Achieving the full participation, coordination, and cooperation of all appropriate public agencies in the state.

- C. To the extent appropriate, the Council shall assist the Department of Social and Health Services in resolving disputes.
- D. The Council shall work with county early childhood interagency councils to coordinate and enhance existing early intervention services and assist communities to meet the needs of infants and toddlers with disabilities and their families.
- E. The Council shall advise and assist DSHS in preparing applications for federal grants under IDEA, Part H.
- F. The Council may advise and assist DSHS in preparing budgets as necessary to carry out the Council's functions.
- G. The Council shall advise and assist the Office of the Superintendent of Public Instruction regarding the transition of toddlers with disabilities into services provided by that agency.
- H. The Council shall prepare all reports to the Governor and federal officials as required by federal and state laws.

3. Meetings and Other Business:

- A. The Council shall meet at least quarterly and in such places as it deems necessary.
- B. No member of the Council may cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest.
- C. The Department of Social and Health Services shall be the designated lead agency and shall provide administrative and staff support to the Council.
- D. The Council, its activities and administrative support, and membership appointments shall be funded exclusively from and are contingent upon monies received under federal IDEA, Part H, or direct state appropriations.
- E. Members may be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 and the Department of Social and Health Services policies. Parent representatives may also be reimbursed for necessary child care.

4. This order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 18th day of Nov., A.D., Nineteen Hundred and Ninety-two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State